

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00020-MR-WCM

CLARA M. MANN,)
)
Plaintiff,)
)
v.)
)
TRAILS CAROLINA, LLC,)
)
Defendant.)
)

)

ORDER

This matter is before the Court on Defendant's Motion to Dismiss (Doc. 10), which was filed on March 24, 2023.

Plaintiff filed an Amended Complaint on April 7, 2023. Doc. 12. See F.R.C.P. 15(a)(1)(B).

"The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect." Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001); see also Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint 'of no effect.'"); Colin v. Marconi Commerce Systems Employees' Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) ("Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs' filing of the Second Amended

Complaint"); Ledford v. Eastern Band of Cherokee Indians, No. 1:20-CV-005-MR-DCK, 2020 WL 1042235 at 1 (W.D.N.C. March 3, 2020) ("It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot").

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss (Doc. 10) is **DENIED AS MOOT**. This denial is without prejudice to the filing of any motions challenging the Amended Complaint, if appropriate.

Signed: April 10, 2023



W. Carleton Metcalf
United States Magistrate Judge

